

WAYS AND MEANS

COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Thursday, June 8, 2006.

MEMBERS PRESENT:

Legislator Lou D'Amaro • Chairman

Legislator Elie Mystal • Vice•Chairman

Legislator Steve Stern

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Edward Romaine

ALSO IN ATTENDANCE:

George Nolan • Counsel to the Legislature

Gail Vizzini • Director, Budget Review Office

Rich Baker • Deputy Clerk of the Legislature

Ben Zwirn • County Executive's Office

Pat Zielenski • Real Estate Division

Jacqueline Caputi • County Attorney

Greg Fischer

Eugenia Savarese

Sherry Pavone

Pat Byrne

Katherine Hoak

Judie Gorenstein

Art Hurwitz

Terry Morrone

Marc Klein

Marge Acosta

Patricia Valluzzi

Joseph Cantwell

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 10:15 A.M. *)

CHAIRMAN D'AMARO:

Okay. Ladies and gentlemen. Good morning. If I could have everyone's attention, I would like to call the meeting of the Ways and Means Committee to order and ask that everyone please rise and join Legislator Mystal as he leads us in the Pledge of Allegiance.

SALUTATION

CHAIRMAN D'AMARO:

Okay. Once again. Welcome. And we are going to take a look at our agenda now. There's no correspondence to the committee to report or read into the record. So I'd like to go directly to the public comments. We have several cards that have submitted by individuals wishing to address the committee this morning. I do want to remind each speaker that you will be limited with three minutes. So with that said, I'd like to call the first individual up. Eugenia E. Savarese.

MS. SAVARESE:

Good morning. I'm here in support of Jon Cooper's resolution for optical scanners. First of all, let me say that I know this is probably nothing that we can do, but I like my electronic voting machine. I think that's the safe, secure, economical voting system that we've had. In seeing as how we have to by September 1st, I guess, change systems, I think the optical scan is probably the best way to go.

New York for verified voting did a survey that showed that, in fact, 46% of counties, 36% of the precincts and 35% of voters used optical scan in the United States during the last elections. And these systems have been performing very well for the past 20 years. Almost no states currently using these systems plan to abandon this technology at a time when they can to

move toward full HAVA compliance. As far as computers are concerned, it seems to me that they're very easy to hack into. I've worked for universities for a number of years on systems that are supposed to be safe. We've had student hack into computers to change grades, change all sorts of information on there.

Maryland found that the cost of maintaining these computers went from what was supposed to be \$858,000 to over nine million for maintenance. And it seems to me that this would be an unfair burden on the taxpayers in Suffolk County who probably has one of the highest rates of property taxes already in the country. So I'm here to support Jon Cooper's resolution. Thank you.

CHAIRMAN D'AMARO:

Thank you. The next person is Sherry Pavone.

MS. PAVONE:

Good morning, Chairman D'Amaro, it's a pleasure to see you and Members of the Committee. My name is Sherry Pavone. I live at 19 Fairwind Court in Northport, and I'm here to support the Memorializing Resolution for Optical Scanners. I'm here this morning speaking as an individual citizens, but I bring to the table ten years experience with the Board of Elections, two as an inspector and eight as a Chairperson of ED 50.

I'm very well aware that we probably have the best Board of Elections in New York State, and they work very hard to make sure that all of their inspectors are trained. We have •• however, the inspectors are older as am I. I am not that comfortable with a computer for voting. I know my people. I've

been there ten years, we have the same people coming in year after year. We will have most of our senior citizens voting on absentee ballots if you go into computers, because they are just too intimidated by them. The resolution deals with security and transparency. Computers are not transparent. And frankly, I don't believe they are secure.

Optical scanners will give us a paper ballot that is transparent, you can see it, the voter will be able to make scans. And although they're senior citizens, many of them play Lotto, so they're familiar with filling in those little dots. They went to school when they took tests filling in those little dots, they will feel comfortable doing it. I really urge you for the sake of transparency and security to go with the scanners.

The economic issue is a really serious one. Other speakers •• and other •• Gina referred to the cost and other speakers will refer to the cost. I mean the difference in the cost between the optical scanners and the computers is so significant that I don't even know where we are here. I mean, there shouldn't really be any option. It's so clear that it should be optical scanners that I can't understand any debate whatsoever. And I'm so uncomfortable with the concept of computer I can't tell you.

Perhaps in the future 20 years down when we can do biometrics, we can make sure that our vote is secure. But it will not be transparent, it will not be secure, and it is certainly not economical. So I strongly support the Memorializing Resolution. And I urge you to do the same. Thank you.

CHAIRMAN D'AMARO:

Thank you. All right. The next speaker is Charlotte Koons.

MS. KOONS:

Good morning. I'm Charlotte Koons. I reside at 81 Locust Lane, Northport, and I'm here to support Jon Cooper's resolution. New York State may be the last of 50 states to comply with federal requirements, but there's an advantage to being last. We can use the experiences of other states to guide us. Well, I want to take the speech that was prepared, and I want to tell you my experience in the Election of 2004.

I was hooked into a very elaborate computer system that went down to Florida, because, you know, in Florida they can vote from October 18th on. So we had three questions that we asked the people, and that was do you plan voting early, do you know the location of your polling place, and third, do you need a ride. Well, in one county the answers were very polite, yes, ma'am, no ma'am, oh, that's fine, yes I know or I do need a ride. Then another county came in and the responses were, oh, no, ma'am, we don't need to vote, somebody came to our house with a laptop and we voted that way. I don't want that kind of thing to be happening in this county. And so I think you owe me as a senior citizen, as an activist, as a voter a secure transparent and economical system. Thank you.

CHAIRMAN D'AMARO:

Thank you. Next is Judie Gorenstein.

MS. GORENSTEIN:

Good morning. Judie Gorenstein from the League of Women Voters of Suffolk County and of Huntington. The last time I spoke here I presented a

comparative cost analysis demonstrating that the purchase price of precinct based optical scan systems would be significantly less. In fact, more than \$7 million less than DREs. However, the fact that PBOs are cost effective is not the major reason why the League of Women Voters supports them.

The primary reasons are that paper ballot optical scan systems are secure, accurate, recountable and accessible. I have been asked, "But what are the other reasons the league is advocating so strongly for the PBOs?" What is more important than every vote being counted and counted correctly? What is more important that our voting system be secured accurate? What can give a more reliable recount than the paper ballot marked by the voter himself even if he or she handicapped?

In April, the New York Board of Elections adopted guidelines for our new voting machines. The machines will require a voter verifiable paper trail and also require voting machines makers to disclose information about lawsuits against them as well as their political contributions. New York standards now go beyond HAVA and can begin to restore confidence. But what can our public officials do to help? You can begin by passing the Memorializing Resolution in support of optical scanners, a secure, accurate and transparent voting system.

However, the process the Suffolk County BOE uses to select our voting machines also needs to be transparent. You, our Legislators, need to make certain that the Suffolk County BOE does a thorough study and comparison of the state certified machines before making their choice and present their decisions and reasons for it to the public before any purchase is made. The process maybe burdensome but is necessary to give our voters the confidence that their vote will be counted correctly. What is more important than voter integrity? Thank you.

CHAIRMAN D'AMARO:

Thank you. Art Hurwitz.

MR. HURWITZ:

I'm Art Hurwitz. I live in Centerport. I'm speaking on the resolution in support of the secure voting system. I have voted in every election since 1957, but after the 2000 Election, I like millions of other American voters lost confidence in the integrity of the vote. I will read for you excerpts of what Governor Bill Richardson of New Mexico said when he signed the law for an all paper ballot system, and I quote, the hallmark of American democracy is one person, one vote. And When it comes to elections, all votes deserve to be counted. But is our democracy, our hallmark of principal of one person, one vote on solid ground?

Recent elections would suggest that democracy, the greatest system of government in the world, can be broken. As the world witnessed in 2000, the sanctity of the ballot box and the integrity of our government are vulnerable. The people of the United States lost faith in the electoral process. In 2004, exit polls raised further doubts about electronic voting machines without a verifiable paper record. On March 2nd, 2006, I will sign a bill that will transition New Mexico to an all paper ballot system using optical scanners to count the vote. Paper ballots are the least expensive most secure form of voting available. Having marked their ballots with pen and paper, voters will walk out of the booth and know their voices have been heard.

Optical scanners will quickly and accurately provide results while in the event of recount, the ballot themselves will be a permanent verifiable record of the

people's directions to their government. Some believe a computer touch screen machine is the future of electoral systems, but the technology simply fails to pass the test of reliability. Anyone who uses one can attest, computers break down, get viruses, lose information and corrupt data. We know this to be the case so we back up our files to ensure nothing important is lost. Paper ballots serve as the ultimate back up for our elections providing secure and permanent verification of the will of the people.

New Mexico has chosen paper ballots as the best system to secure our election process. With the new system in place, future elections will be secure honest and verifiable. Every vote will count. The citizens of our state will know that our government belongs to them. One person, one vote is in jeopardy if we do not act boldly and immediately. American citizens once took for granted that every vote mattered, but no longer. It is time elected state officials worked to restore America's confidence in our electoral system and undertake reform that moves to eliminate skepticism and uncertainty.

When a vote is cast, the vote should be counted. With paper ballots we will have a record, with paper ballots, the fundamental principle of one person, one vote is secure. New Mexico is the last state •• end of quote there. New Mexico is the last state to finalize the vote in the 2004, last not by minutes or by hours, but by days due to major serious computer voting machine problems. New Mexico has taken a bold step away from millions of dollars of computer machines that they had purchased and moved to more reliable less expensive means to handle the vote. We should learn from their experience.

CHAIRMAN D'AMARO:

Okay. Thank you. Next speaker, Pat Byrne.

MR. BYRNE:

Good morning. Thanks for having me today. As Legislator D'Amaro said, my name is Pat Byrne. I'm the president of the Nesconset•Sachem Civic Association. And I'm here today respecting my civic and also a recently formed organization called Lifer, which is a growing coalition of civic groups in Suffolk and Nassau County. I'm here to show support for Introductory Resolution 1466•2006, which is to strengthen requirements for fiscal impact and revenue impact statements. I had a big speech prepared, but I know I only have two minutes so I'll go right into it.

CHAIRMAN D'AMARO:

You have three minutes.

MR. BYRNE:

Governments at every level •• you tell me when you are ready. My wife thinks I'm funny too. As we all know, governments at every level have the responsibility to consider the current and future costs of any of the programs that they initiate. This is something that in the United States doesn't seem to be that obvious. Now that we're competing with the likes of China and India, probably the two biggest workforces, middle class workforces in the history of the world, it's probably safe to say that the level of growth around here could be a little bit less than it has been in the past and nothing should be assumed.

It is for this reason, again, we have the obligation to current taxpayers and also posterity to make sure that the laws that we come out with now are affordable five, ten, 15 and even 30 years from now. I believe and so do the many people that I represent, that this law would help the process in two

very important ways. Number one, it would help make lawmakers accountable for both the current and future financial impact of the laws that we create today. And number two, most importantly, the taxpayer would have a better opportunity to see the price tag before a resolution is passed. So it is our hope that this resolution passes with unanimous support, and thanks for listening to me today, folks.

CHAIRMAN D'AMARO:

All right. Thank you very much, Mr. Byrne. The next speaker is Terry Morrone.

MR. MORRONE:

My name is Terry Morrone, I reside in Greenlawn, New York. I'm here to speak in favor of optical scanners or better still, hand counted ballots. It's harder to corrupt an optical scanner than a DRE. I see the drive to introduce DREs as part of the drive in this country away from •• to move our country away from democracy. In Congress today, for example, there's a bill which will restrict the internet and establish national franchises for public access. And, you know, it's a way to stop the people from getting information and expressing themselves and communicating with others.

If we allow large corporations to count our votes, we have no guarantee that they're going to do it honestly. The last two elections were stolen. The exit poll data in 2004 showed a discrepancy of 5.5 percent. The usual accuracy is one percent. Kerri should have won by three percent, instead he lost by two and a half percent. The Republicans were embarrassed, you know, because the odds of this happening, this being a statistical fluctuation, were millions and millions to one.

So what was the lesson that they learned? That is you have to get control of the exit polls. Chuck {Hegle} did it in Nebraska. He won •• he controlled the voting machines and then he also controlled the exit polls. Both showed •• and the exit polls and the election both gave •• had him winning by 83% •• with 83% of the vote, perfect accuracy. So this can very likely happen to us. We have no guarantee at all that we're going to have the protection of exit polls next time that will put a restraint on how much •• how much cheating goes on. So I say the only way we can guarantee our vote is through optical scanners or better still, paper ballots. In counties where they did have hand •counted paper ballots, there was no discrepancy between the exit polls and the actual vote. Thank you.

CHAIRMAN D'AMARO:

Thank you, sir. Next, Mark Klein.

MR. KLEIN:

Good morning. I'm Mark Klein of the Long Island Progressive Coalition's Committee on Voting. I'm speaking in support of MR 2•2006. Real world experience has repeatedly demonstrated DREs are not cost effective. In addition to excessive initial purchase cost, the DRE after acquisition cost are very substantial and wastefully unnecessary. These costs will not fall on HAVA, they will fall on the County.

I'll be happy to review some of the continuing costs, but for the sake of time, I'll highlight just two items. First, the Maryland financial debacle where DRE operational costs have skyrocketed. In a blistering letter now public, Governor Ehrlich called to task the Maryland State Chairman of the Board of

Elections. The letter stated, I quote, I also continue to be troubled by the rapidly escalating costs of election administration in Maryland, especially in comparison to physical estimates that were prepared for the General Assembly, end quote. Specifically, in 2001 it was estimate that the cost of DREs would be \$37 million. The actual cost turned out \$66 million, an approximate cost overrun of 78 percent.

Continuing to quote the government, however, this misjudgment pales in comparison to the 1000% increase for estimates of annual maintenance costs, end quote. Specifically, after having been given an estimate of \$858,000, the State Board of Elections came back with a request of not \$858,000, but \$9,528,597. The cost of the voting system, the Governor states, quote again, has skyrocket •• has skyrocketed as our confidence in the system has plummeted. The Governor went on to call for the replacement of DREs with optical scanners.

Second item, in a six year comparison study of the operation and maintenance costs of Sarasota County, which uses DREs and Manatee County, which uses optical scanners, it was revealed that Sarasota spent 1.1 million more per year. Note Sarasota voter population is approximately one •eighth the size of Suffolk's. So just think of how much the excessive cost would be for Suffolk. They were averaging a million a year over six years, 6.6 million.

I urge you as guardians of the wallets of the taxpayers to make the financially responsible and sound choice, that is endorse optical scanners. Thank you.

CHAIRMAN D'AMARO:

Thank you. Next speaker, Marge Acosta.

MS. ACOSTA:

Good morning. Thank you for this opportunity. Freedom is when the people can speak, democracy is when the government listens. I hope you are listening. My name is Marge Acosta, I'm coordinator of the Voting Booth Committee of the Long Island Progressive Coalition. I've been told that I'm obsessed about the voting issue. Well, if caring deeply about losing my vote and doing everything in my power to prevent that from happening is being obsessed, then I don't understand why you and every caring American is not obsessed.

Every day in Voters Unite I hear how touch screen computers are failing in special elections and primaries across the country. When some elections officials threaten to withhold payments because they weren't working, vendors refused to program the machines for run•off elections. Our elections are being held hostage. The New York Times states that testing of debold machines found the most severe security flaw ever discovered in the voting system. US Today reported a series of lawsuits to block the purchase and use of computerized voting machines because they're vulnerable to software tapering, they don't have an easily recountable printed record and they miscount, switch or not even record votes.

CNN is outraged that a foreign•owned company, Smartmatics Sequoia, is running our elections. But the media is only reporting what the Government Accountability Office and the Carter•Baker Commission tried to warn us about last September. We can't trust insiders in the elections industry any more than any other industry. On top of this, the initial cost of these touch screen computers will be more than twice as much as optical scan systems as we can see here. And as our Election Commissioners have told you, the state

Board of Elections is now considering requiring one DRE for every 400 voters. That would be ordering twice as many DREs as lever machines. So instead of roughly six million for optical scan and 13 million for DREs, it would then be six million versus 26 million. So this bar •• this red bar would be twice as high.

But the most convincing argument for an optical system is that the DRE experiences of several states and counties has been so disastrous that they are throwing out, abandoning millions of dollars of touch screen computers and moving to optical scanners. They certainly wouldn't do that if there was just a small difference.

Can you give me one good reason why we're even considering these DREs? We are in a precarious position of losing our vote and having to pay for the machines that would disenfranchise us. Are we even going to have a say during public hearings before this will be decided? Nassau is going to have a public demonstration of the machines before they are chosen. Will Suffolk? Will there be a public comprehensive cost analysis of the initial and continuing costs of both types of machines before they're chosen? These are reasonable requests for something as basic as our right to vote. And we'd like answers to these questions. Thank you.

CHAIRMAN D'AMARO:

Next speaker is Katherine Hoak.

MS. HOAK:

I'm Katherine Hoak, co•President of the League of Women voters of Suffolk

County. I'm speaking in regard to IR 1410•2006, a local law to enact a campaign finances reform act to limit campaign contributions from county contractors. The league is in complete agreement with the stated legislative intent that the general public perceives that special interests use campaign contributions to gain extraordinary access to and favorable consideration from government officials.

It also states that elected official must take appropriate steps to restore the public's faith in political institutions. According to Keeping it Clean, Public Financing in American Elections, a report put out by the Center for Governmental Studies and mentioned in a Newsday editorial on May 22nd, there is a crisis today in American politics, a crisis caused in major part by the unholy alliance of private money and public elections. The heart of the debate over money and politics concerns the very survival of our democratic process.

The League has longed supported campaign finance reform. We see IR 1410 as a step in the right direction certainly. However, we believe that no one group should be singled out for inclusion or exclusion. By singling out one group, in this case, county contractors, it essentially removes the power from that one group, but empowers other special interest groups putting them in a comparatively stronger position. By so doing, the legislation would, in effect, worsen the situation it seeks to improve.

We therefore recommend that this legislation be revised to treat all special interests groups equitably. Second, there needs to be a guaranteed source of funding included in this legislation. I quote from Dead on Arrival, breathing life into Suffolk County's new campaign finance reform, also by the Center for Governmental Studies, public financing would provide qualifying candidates with the ability to wage competitive campaigns without excessive dependence on large donors, it would amplify the political voice of individuals unable to

make large campaign contributions and increase the representation of traditionally underrepresented communities.

IR 1410 is very much a positive step, but the League hopes that it will be revised to include all special interests groups and that it will include a guaranteed source of funding. Several League members met with Legislators Schneiderman and Romaine yesterday to discuss this legislation and our recommendations. Thank you.

CHAIRMAN D'AMARO:

Thank you. Next speaker is Patricia Valluzzi.

MS. VALLUZZI:

Good morning. I'm Patricia Valluzzi, and I live in East Northport. I'm supporting Jon Cooper's resolution for optical scanners. Why I want a paper ballot optical scan system? I want to ensure the integrity of my vote, and the only way to do that is by verified audit trails. Optical scan systems are a simple reliable technology, and the only system that preserves the voters self marked ballot for recounts and audits.

What I don't want is to cast my vote on an electronic touch screen ballot machine. A recent article by Steven Levy of Newsweek states that experts are calling the problem with electronic voting machines the most serious flaws ever documented. He further states that the trouble stems from ease with which the machine's software can be altered. And worse, it's even possible for such ballot tampering software to trick authorized technicians into thinking everything is fine. I also want paper ballot optical scan systems

because they are cost effective. I don't want to pay more than twice as much for electronic machines that don't work as well as optical scanners.

For all the above mentioned, I want paper ballots that are to be filled out by the voter and counted by an optical scanner by also want a ballot marker like Automark for the disabled. I will feel more secure having voter marked paper ballots for recounts and audits. Therefore, I am supporting Jon cooper's resolution for optical scanners. Thank you.

CHAIRMAN D'AMARO:

Thank you. Joseph Cantwell.

MR. CANTWELL:

Hi. My name is Joe Cantwell. I live in the 15th Legislative District. I'm not prepared to make a presentation on this issue, but I am in support of Jon Cooper's resolution for optical scan systems. From what previous speakers have said and thinks that I've read, it seems to me this is a no•brainer. I'm really astounded that all this august body is here deliberating on this matter, which could be dispensed with about an hour's worth of study using the material that was discussed by previous speakers. But in any event, I'm a citizen, I value my vote, I vote every time there's an opportunity in all elections. And I would like to see that my vote is properly counted and that it can be verified that it's been counted. Thank you very much.

CHAIRMAN D'AMARO:

Thank you, sir. All right. That's all the cards that have been submitted this

morning. Is there anyone else present who would like to address the committee at this time during the public portion? Okay. That concludes the public portion of the committee hearing. I would like to then turn to our agenda. Before we start with tabled resolutions, I'd like to take two resolutions out of order, the two appointments to the Judicial Facilities Agency. So I will offer a motion to first take out of order 1576, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Okay.

Resolution 1576 (Appointing member to the Judicial Facilities Agency (John J. Collado)) is now before the committee.

LEG. MONTANO:

Mr. Chairman, Mr. Collado is here. I'll make the motion after he makes his presentation.

CHAIRMAN D'AMARO:

Sure. Mr. Collado, would you like to come up and address the committee?

MR. COLLADO:

Good morning. My name is John Collado. I'm been an attorney for over 15 years. Rick Montano had mentioned about the Judicial Facilities Committee. And certainly my background is in real estate. I do look forward to working with members of the Judicial Facilities Committees lending my experience. I have been, again, involved in real estate for many years in different areas. I think that with my experience, I can lend support to this •• the Judicial Facilities Committee in many ways.

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Collado. Are there any questions or comments?

LEG. MONTANO:

I'll make a motion to approve.

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

I'll second the motion. Legislator Kennedy, please, go ahead.

LEG. KENNEDY:

Thank you for coming before us, Mr. Collado. As a matter of fact, I admire your desire to go ahead and serve on this committee. As you know, it has responsibility associated with our jail construction. And certainly your expertise in the real estate field should bring important skills to the deliberations of the committee. I'd ask you though just to go ahead and elaborate a little bit since several of the items associated with the construction of this jail are going to involved negotiations of project labor agreements, work with seeking relief from Wicks Laws and some of the other intricacies associated with the state statute governing construction of large

scale municipal projects. Have you had occasion to have experience in that or any familiarity?

MR. COLLADO:

I don't have •• I haven't worked with municipal projects before. My experience was •• is with major lenders, with builders in Suffolk County and Nassau County as well dealing with many types of contracts, whether it be acquisition, whether it be lenders, indemnity agreements, on and on and on. Working with the municipality with respect to any acquisition of any land, no, I have not worked directly with that type of scenario. But again, I've been in many types of situations where I have worked with acquiring large parcels of land, dealing with builders who are commercial construction builders, residentials, that's what my experience and background is.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy.

LEG. MONTANO:

Let me say this. It's my resolution to appoint Mr. Collado. I know the firm that he's associated with, Collado, Collado and Fiore. It's a large firm in Brentwood. They have an excellent impeccable reputation as a quality law firm respected in the field. I'm confident. I have John's resume here. His

background is, I think, the kind of background that we're looking for to join Suffolk County at various levels. That's why I proposed this individual to the Judicial Facilities Agency. I'm pleased to do so, John.

CHAIRMAN D'AMARO:

Any one else on the motion? I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries. Congratulations. **APPROVED. (VOTE:6•0•0•0)**

MR. COLLADO:

Thank you very much.

CHAIRMAN D'AMARO:

All right. The second appointment that we're considering this morning to the, again, Judicial Facilities Agency is Mason Bryant. I would like to offer a motion to take that resolution out of order as well. That's seconded by Legislator Stern. All in favor? Opposed? Abstentions?

Before the committee now is Resolution **1584 (Appointing member to the Judicial Facilities Agency (Mason Bryant))**. Mr. Bryant, would you like to come up and present yourself to the committee, please. Go ahead.

MR. BRYANT:

Good morning. My name is Mason Bryant. I've been a Suffolk County

Probation Officer for close to nine years. I work on a daily basis with criminal offenders, and I'd like to see a facility that offers a controlled safe environment with an area for rehabilitation and try to make jail time of a positive use to the criminal offender, because most of these folks will be back in our communities.

CHAIRMAN D'AMARO:

Okay. I'd offer a motion to approve the resolution.

LEG. MONTANO:

I'll second it.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Good morning, Mr. Bryant. I'm going to ask questions similar to what Legislator Kennedy had asked. Do you have any experience in any large construction of any large facilities, municipal facilities?

MR. BRYANT:

No. This would be my first experience as far as that goes. I have experience

just mainly dealing with the criminal offenders. I deal with the type of people that would be going inside those facilities.

LEG. ROMAINE:

Right. But this agency, Judicial Facilities Agency, is used to build more than just jails. This is used for other things. For example, we used them, I believe, when we built the Cohalan Court Complex, we've used it for a number of other things. Just like the Dormitory Authority isn't used for just building dormitories, it's used for building a lot of different types of municipal structures. That's why I asked that question.

MR. BRYANT:

I understand.

LEG. ROMAINE:

You're familiar with the Wicks Law.

MR. BRYANT:

No, sir.

LEG. ROMAINE:

Thank you very much, sir.

CHAIRMAN D'AMARO:

Are there any other questions? Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. Thank you. I think I'm just going to go ahead and ask Counsel to go ahead and give us a brief explanation as far as the overall role of the JFA and what the composition of the board is at this point.

MR. NOLAN:

The law has been amended. This was originally created in connection with the Cohalan Court Complex. The law was amended last year. And the makeup of the board was reconstituted as well, so there's six members. The resolution lays out who appoints who. There are two County Legislative appointments.

As far as qualifications go, it says the people who are appointed have to be residents of the County. Beyond that there is •• the statute does state that the appointing authorities, which is the County Executive, the Presiding Officer and the Legislature shall consult in making their appointments in an effort to achieve the goal of having at least one member of the board with a background in each of the following areas of experience, which include finance, operation or correctional facilities, operation of Judicial Facilities construction and real estate. That's it towards qualification and what they're looking for in the membership. And, of course, the statute has been changed that this board will be overseeing and involved in the construction of the new correctional facility.

LEG. KENNEDY:

Thank you, Counsel. Mr. Bryant, again, as with other appointee, I applaud your willingness to come forward. And certainly I know that the work that you do as a probation officer is difficult work and very much needed work. And your desire, I think, to go ahead and see a facility that's constructed that lends itself to rehabilitation is critical, and so your involvement from direct delivery of service, I think, will be important. I would just though, I guess, the same question I had with Mr. Collado, and you've already •• it's asked and answered. I wonder where we will ultimately get some of that expertise on the board as far as some of the legal matters. Thank you.

CHAIRMAN D'AMARO:

Any other comments or questions on the motion? Okay. If not, I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **Approved (VOTE:6•0•0•0)**. Mr. Bryant, congratulations to you also. Thank you.

MR. BRYANT:

Thanks.

CHAIRMAN D'AMARO:

Gentlemen who were just appointed to the JFA, you don't have to return when the resolution comes before the General Meeting unless you choose to do so. That will be on Tuesday. Thank you. Turning to the beginning of the agenda now, we will start with the section five, tabled resolutions. I'd like to call the first tabled resolution.

1069 (Adopting Local Law No. •2006, A Charter Law to create a consolidated Department of Audit and Financial Management).

I just want to note for my colleagues on the committee as well as anyone else here that's the Budget Review Office has distributed a memorandum today directed to the Presiding Officer and all the Legislators giving its overview of this proposed resolution and giving some recommendations as well. So that's all been distributed for your information. With that, is there a motion.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table pending a public hearing, seconded by Legislator Stern. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0).**

1152 (Directing evaluation of privatization of Suffolk County Off •Track Betting Corporation by the Legislative Office of Budget Review).

LEG. MYSTAL:

Motion to table subject to call.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to table subject to call, is there a second on that motion? I'll second. Legislator Romaine, on the motion.

LEG. ROMAINE:

Yes. While I don't have a position on this that I want to state publically at this time, I think tabling it subject to call is a little severe. I mean, I think we should table it for another session and then invite the sponsor to present his views to the committee, then we can make informed decision. I think that would be the courteous thing to do.

LEG. MYSTAL:

I will withdraw my motion and make a motion to table.

CHAIRMAN D'AMARO:

Motion is withdrawn. Motion by Legislator Mystal to table, seconded by Legislator Stern. On the motion? I'll call the motion. All in favor? Opposed? Abstentions? Motion carries. Resolution is **tabled (VOTE:6•0•0•0)**.

1214 (Adopting Local Law No. 2006, A Charter Law to transfer the Division of Cancer Awareness from the Suffolk County Department of

Environment and Energy to the Suffolk County Department of Health Services).

LEG. ROMAINE:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Romaine.

LEG. KENNEDY:

I'll second.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. All in favor? Opposed? Motion carries.
Tabled (VOTE:6•0•0•0).

**1297 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Charles R. Denninger (SCTM No. 0200•853.00•05.00
•028.000)).**

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Mystal, I'll second the motion.

LEG. MYSTAL:

What was the problem, and has it been resolved. Good morning,

Ms. Zucker. I don't want to jump on you without saying good morning. Mr. Zwirn, good morning. You I will jump on without saying good morning.

MS. ZUCKER:

At our last committee meeting, Legislator Kennedy asked me to do some further inquiries on this particular site. This is a site that's hard up against the railroad tracks and has no road access. I reached out to the Town of Brookhaven, Habitat for Humanity and the Long Island Housing Partnership and asked whether they considered this to be a viable candidate for affordable housing purposes.

And in all cases they expressed their concerns as I did to this committee that the cost of putting in a road to this site is prohibitive, it's once •• it's just one lot. Typically, when we go in and cut road, we will have access to a number of lots. And also there was concern that this site is a substandard lot, not one typically that the town would give approval for, and that was also a concern of the town.

Let me read just an excerpt from the town's letter. "It is my determination that this parcel is not a good candidate for affordable housing. The key factors in making this determination are the proximity to the railroad tracks, the need for infrastructure development and the commercial character of surrounding parcels. The size of the lot also presents problems."

LEG. MYSTAL:

Thank you.

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

Good morning, Ms. Zucker. Thank you very much for going ahead and making those contacts. And that was a reply from Brookhaven Town Building or Planning?

MS. ZUCKER:

No. The Commissioner of Housing, Bob { Wretzle}.

LEG. KENNEDY:

Okay. Did you have an opportunity to go ahead and consult with any of the customary private agencies or not•for•profits that the County partners with from time to time?

MS. ZUCKER:

Yes. I reached out to Habitat for Humanity and the Long Island Housing Partnership.

LEG. KENNEDY:

And in both cases each of the agencies indicated that they did not have an interest in it?

MS. ZUCKER:

Yes.

LEG. KENNEDY:

I'm mystified. I'm stupefied, and I am whatever. So I guess I will have to say thank you for reaching out, and, I guess, I'm going to have to talk to some agencies directly, because I know there are homes that get built against the railroad right•of•way and that a gravel cut for 160 feet or actually a 100 feet is not that expensive. But far be it for me to go ahead and stifle a resolution. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Okay. If there are no other comments, I'll call the vote. There's a motion pending to approve. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:6•0•0•0)**

LEG. MYSTAL:

I make a motion to put this on the Consent Calender.

CHAIRMAN D'AMARO:

Okay. So we'll modify. Seconded by Legislator Stern. All in favor? Opposed? **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0•0)** .

1392 (Instituting a six month moratorium on Local Law 13 Sales).

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Montano, seconded by Vice•Chair Legislator Mystal. All in favor? Opposed? Abstentions? **Tabled (VOTE:6•0•0•0•0).**

1395, Adopting Local Law No. 2006, A Local Law to amend the Suffolk County Code of Ethics and the Suffolk County Financial Disclosure Law).

CHAIRMAN D'AMARO:

Mr. Zwirn, any comments you wanted to ••

LEG. MYSTAL:

In the mean time, I make a motion to table so we can talk about it.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Second by Legislator Romaine. Mr. Zwirn, is there anything you wanted to add on this?

MR. ZWIRN:

If it's going to be tabled •• Counsel can go through the Rule 28.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

All in favor? Opposed? Abstentions? Motion carried. **Tabled (VOTE:6•0•0•0•0).**

1397, (Adopting Local Law No. 2006, A Local Law amending the composition of the Suffolk County Space Management Steering Committee).

LEG. KENNEDY:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Kennedy, I'll second. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE:6•0•0•0•0).**

1410, (Adopting Local Law No. 2006, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors).

LEG. ROMAINE:

Motion to approve.

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table, is there a second on the motion to table?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern, which has precedence over the motion to approve. All in favor of the motion to table?

LEG. ROMAINE:

Can we have debate.

CHAIRMAN D'AMARO:

Of course.

LEG. ROMAINE:

I would urge that the tabling motion be defeated and that we consider the merits of this resolution on its face. This is a very simple resolution, and a first in what I would hope would be a long step of reforms of the way we finance campaigns. This is a resolution that says anyone that does \$10,000 worth of business with this County will be limited to contributing no more than \$500 to County candidates. This is an important resolution, because this announces that you are not going to get a contract and make a campaign contribution. You don't have to pay to play.

This is going to end the appearance that we have in this County Government that you can buy tickets to golf outings, you can buy tickets to political fundraisers or you're expected to buy if you do business with the County. This will limit those who do \$10,000 worth of business to contributing no more than \$500. It doesn't limit their right of free speech, they can still contribute up to \$500, which I think is a substantial contribution. And this will give us the opportunity for the first time to say, look, if you do business with the County, you're not expected to make a political contribution. And if you want to you can, but we're going to limit it because there's an appearance of impropriety if it's more than \$500.

This is an important first step. I commend Legislator Schneiderman. I'm a cosponsor on this resolution. I think it's going to help clean up the image of Suffolk County. And I would hope that my colleagues could agree with me on

this. So I would urge that this motion to table be defeated and then we consider the resolution on its merits. Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. Legislator Mystal.

LEG. MYSTAL:

I do not have any objection to reforming campaign financing in Suffolk County. As I recall, historically, when Democrat Legislator Steve Levy introduced the bill a few years back to do public financing of our campaign to remove all doubts, it was gutted, derided, and ultimately rendered toothless by the Republicans.

If we want campaign reform, and I don't have any against campaign reform, I don't want to limit it to the contractors. Let's put the unions and the agencies and everybody else who contributes money to a campaign. If we're going to do it, let's do it for all, not for just a particular group. When we tried to do campaign reform a few years back, all •• and this is •• I know we're supposed to be governmental, but this came down to a political vote. The Republicans did not want to vote against campaign reform, so what they did was to really, really water it down until it was nothing.

So, Legislator Romaine, and the sponsor, Legislator Schneiderman, if you want real campaign reform, let's do it. Let's put some money where everybody will share in it and nobody can take money from anywhere else. And nobody can contribute money to the County. That's my position. That's why I want it tabled, because I don't want to single out a particular group

and say, oh, you can't contribute, but the union can come in and give me \$2000.

CHAIRMAN D'AMARO:

All right. Thank you. You know, I just want to also piggy back on to what Legislator Mystal is saying. You know, I have a history of also having worked with our County Executive his first year in this body. And he was a champion of campaign finance reform, and I was there. And year after year after year he asked for comprehensive reform to level the playing field to remove the undue influence out of the process. And year after year he was defeated.

So as Legislator Mystal says, maybe it's time we take that comprehensive approach off the shelf and move forward with that. But I don't think this accomplishes anything near what that approach was trying to do. Also, I want to add that this legislation, I believe, that Counsel has advised is preempted and shouldn't even really be considered here. Legislator Romaine.

LEG. ROMAINE:

Well, first of all, this would not be the first preempted legislation that we've dealt with that Counsel has not commented on that has passed this legislation. Secondly, I want to address Legislator Mystal. Isn't it good now that you have some Republicans on this committee newly elected that support campaign finance reform, a new bunch that are prepared to take a look at this? Thirdly, I want to answer Legislator D'Amaro. This is, as I said in my opening remarks, the first of what I would hope would be many steps. The reason we started with the contractors, the unions and the non•for •profits that do advocacy, advocate on issues. They're not advocating to put money in their pocket by doing business with the County.

MR. ZWIRN:

You vote on their contracts for crying out loud.

LEG. ROMAINÉ:

Excuse me, you're not part of this body.

MR. ZWIRN:

That's not putting money in their pockets? I mean, it's hard to sit here and listen to this.

LEG. ROMAINÉ:

We vote on the contracts the County Executive presents us.

MR. ZWIRN:

You take money from the people that you vote on their contracts.

CHAIRMAN D'AMARO:

Mr. Zwirn, please do not interrupt. I would appreciate it. Legislator Romaine, please, go ahead.

LEG. ROMAINE:

This would be the first of a series of steps, but guess what? If this motion can't be voted on today because there's this disinclination to take that first step, then I say to you, have the County Executive come meet with some Legislators, both sides, three sides of the aisle, because we have the working Families Party representatives here, meet with us and let's talk about comprehensive campaign finance reform. Let's do it now, let's pass something.

But I would hope, I would hope that we would acknowledge that this would be a first step. It is perfect? Is it comprehensive? No, it's not. But why not pass this? And, Legislator Mystal, why not add to it by you submitting a bill tomorrow to do and accomplish all the goals you just talked about? I'd be happy to take a look at that, I maybe happy to do what I'm doing with Legislator Schneiderman and even cosponsor it. So I'd be happy to take a look at that as well.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

Just a couple of brief things. One is that one of the problems I have with the resolution is that it's simple, and it's too simple. There are issues that we should address. We should address them in the right context, comprehensive. I don't think we should piecemeal one little bit here, one little bit there and never reach the end.

Two things, one is that I'm looking at the statement from the League of Women Voters, a respected organization, certainly in the forefront of campaign reform, and they are saying that we should hold off on this so that we can •• we not treat groups differently, etcetera. And I think we should hold off on this and do a more comprehensive bill. In addition to that, at the last part of the statement from the League of Women Voters, it says the League met with Legislator Schneiderman and Romaine yesterday, and I'm just wondering was there such a meeting, and what was the outcome of that meeting?

LEG. ROMAINE:

There was such a meeting. It took place in my office with Legislator Schneiderman, myself and members of the League. And rather than characterize it, possibly with the permission of the Chairman, I'd let the League spokesman come up and say a few words about that meeting and then they can give their opinion of the meeting.

LEG. MONTANO:

Well, just on that point, though. You know, you raised something two seconds ago saying that we should get together as a body, as Legislators, and, you know, what disturbs me is that it's a two person meeting. And I would take you up on that offer. I would like to be at the table when we discuss some of these important issues and maybe come up with a comprehensive bill that addresses campaign finance across the board. And I think that's the way to go. That's why I would urge that we table this now. Not •• you know, we're not defeating it. We want to table it because we want to look at it. It's just not •• you know, a one sentence reform to campaign finance is not going to do it. We need a more comprehensive analysis. I would ask that you, you know, join with us, table it and let's get

down to work.

LEG. ROMAINE:

Without mischaracterizing the meeting, I would say that it was a meeting that examined every aspect of campaign or a lot of aspects of campaign finance reform. And I think there are some people here that attended that meeting, and I think we discussed not only this bill, but a whole range of other issues dealing with campaign finance reform. But I don't want to speak for the League on that. I'm sure they have their opinion on that. All I'm saying is i think that we looked at a range of issues, but we specifically dealt with the bill, because that's what Legislator Schneiderman drafted and put before us.

CHAIRMAN D'AMARO:

Legislator Mystal.

LEG. MYSTAL:

I don't want to belabor the point, but when we looked at the issue in the past, there were two inherent problems to it. One, if we are going to have campaign reform, it would have to be taxpayers' money. And in the County that we are all talking is already overtaxed, the problem was then which was raised by the Republican side was that we didn't •• they didn't feel at that time that they go to the public and ask them for the money to finance elections.

I don't know what has changed except for a shift in numbers, I don't know

what has changed since then to now to make you feel now that you can go to the public and ask them to finances, you know, elections on the County level. That's number one. The number two problem that we had when we did look at this issues was the clause that we have to put in constitutionally to make the bill constitutional, we will have to put in a clause that would let certain candidates out of the system whereby they•• if they do not accept from the County •• from the election from whatever pool of money that we have, they can go out and raise money as much they want.

So, again, these were the two things that we looked. And that clause has to be put in, because you can't say you can only take money from this. We're not England yet. England does that. But you know, we don't that •• we can't do that here. We have a constitution. So that's the problem. But anyway, we should move on.

CHAIRMAN D'AMARO:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Chair, I would just like to ask Counsel if he can weigh in on the potential preemption issue?

MR. NOLAN:

I was asked this question at the last General Meeting when it came up. And there are, I believes, AG opinions and Comptroller opinions this that say this type of legislation is preempted by the state. The State Election Law has a

very detailed scheme limiting contributions, and there have been a number of opinions that have come down that have said that local legislation that tried to limit contributions in a different way as this law does are preempted, and we can't do it.

CHAIRMAN D'AMARO:

Okay. There is a motion pending to table. I'll call the vote. All in favor?
Any opposed.

CHAIRMAN D'AMARO:

Legislator Romaine is opposed.

LEG. KENNEDY:

I'll abstain.

CHAIRMAN D'AMARO:

Abstentions, Legislator Kennedy. Motion carries **(VOTE:4 • 1 • 1 • 0 •**
Opposed, Legis. Romaine • Abstention, Legis. Kennedy).

1466 (Adopting Local Law No. 2006, A Charter Law to amend and strengthen requirements for fiscal impact and revenue impact statements).

CHAIRMAN D'AMARO:

I will offer a motion to approve the resolution.

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. On the motion, Legislator Romaine.

LEG. ROMAINE:

I'm not in favor of the resolution as it's currently drafted. I respect the wishes of the drafter, Legislator D'Amaro, who's attempting to get his fellow Legislators some financing impact statements before we vote and have some time to consider them on the resolutions. That is a laudable goal. Here's the problem. It says •• and I'm going to read the statement, "in which we propose a resolution that proposes to reduce or eliminate County generated revenue," you want this ••

LEG. MONTANO:

Where are you reading from?

LEG. ROMAINE:

You want a financial impact statement before the bill is filed?

CHAIRMAN D'AMARO:

No, that's been amended.

LEG. ROMAINE:

Okay. I don't have the amended version.

CHAIRMAN D'AMARO:

I apologize. The new resolution as amended would require the impact statement before any committee vote, not before filing the resolution. So in other words, if you're going to make a vote, hopefully you're making an informed decision and part of the information you should have before you is the information contained in the impact statement. Just a question to the Budget Review Director. It's your staff that will be performing this, you'll have the time to do that?

MS. VIZZINI:

We're happy that our comments were taken into consideration and the amendment to this •• so that we have the time to incorporate what happens in the committee, but we will make our priorities as such that we'll have the fiscal impact. So that will not hold you up.

LEG. ROMAINE:

So the fiscal impact, you will have no problem producing them by the committee. Well, it's for the. We will certainly do our best. It's much better than the previous version.

LEG. ROMAINE:

Right, which the previous version was the one I had a problem with. However, I don't have a problem with the spirit. I think the spirit was right, and now that I understand the amendment, I think it's a good one for us all, because then we can considering the financial impact.

Congratulations.

CHAIRMAN D'AMARO:

Very good.

LEG. KENNEDY:

Mr. Chair. On the motion too. Similar to Legislator Romaine's statements, I concur wholeheartedly, and I believe many of us ask for what the dollar and cent impacts are going to be when we are considering legislation. BRO is happy. I'm curious though, from time to time we do get resolutions coming from across the street from the County Executive's Office. I just ask Ben, you equally concur, this is no burden as far as the Budget Office goes and/or where will we be when we're looking at CNs and things such as that? Is this

going to be something that the Exec's Office is comfortable with complying with?

MR. ZWIRN:

Absolutely. We are in full support of this resolution. And the County Executive's Office will comply as well. We always file •• before any vote is taken, before •• we may file a bill and if the impact statement is no there, it's coming right behind it. But I think it's a good bill just for the sake of good government, just to know what you are voting on with a financial impact statement, what the revenue impact is going to be on a bill before it gets out of committee. It certainly makes all the sense in the world. I agree with you that, you know, nine times out of ten certainly when something comes from the Exec's side we do have, you know, an estimate, sometimes we, you know, look to get some finer info on it. But I do recall on occasion where we've had a CN before us and we are kind of, you know, not up to speed a 100%. So I'm happy to hear that we'll be able to go ahead and have that filed across the board. I'm in support.

MR. ZWIRN:

Generally if we have a CN coming over, we try to notify the Legislators in advance that it's coming. So very rarely will you have one that just sort of gets sprung on anybody.

LEG. KENNEDY:

I'm out of the loop sometimes, Ben, I guess.

CHAIRMAN D'AMARO:

If I could just add to that that, you know, as one of the new members of this body, what Legislator Kennedy says is exactly my point. I have on several occasions experienced having to cast a vote in a committee without knowing the cost ultimately if the bill is passed through and signed by the County Executive of what it would be to the taxpayers of Suffolk County. I understand that there will be a burden placed, an additional burden placed internally perhaps on Budget Review and the budget folks across the street, but I think that that is a burden that must be born if we are going to make truly informed decisions when considering how it's affecting our taxpayers. So I'd appreciate your support on that bill. Legislator Mystal.

LEG. MYSTAL:

In trying to answer you, Mr. Kennedy, is that that will give you all the more reason to vote against a CN if it doesn't have an impact study attached to it. So, you know, usually I don't like CN because of the fact that we don't have enough time to consider it, but if it comes without a fiscal impact, all the more reason. It doesn't say that we have to vote for a CN. It doesn't say that. It says that, you know, it must have a fiscal impact, and if it doesn't, guess what? You know, just don't vote for it.

LEG. KENNEDY:

While I appreciate that input from a senior Legislator, as always I can gain from experience from my colleagues around the table, nevertheless I just wanted to make sure that we have support across the board from both branches of government. Thank you.

LEG. ROMAINE:

Point of information.

CHAIRMAN D'AMARO:

First, Legislator Montano.

LEG. MONTANO:

Just very quickly. I agree. I don't think that we should ever take a vote on any bill that doesn't explain to the person •• the Legislator voting what the fiscal impact is, and we've had this issue come up. I was •• when this resolution was first introduced, I did not cosponsor because I had some concerns about the original language. Now that it's amended, I would like to be listed as cosponsor.

MS. VIZZINI:

Mr. Chairman. I would defer to Counsel on this, but I believe the way the Charter is currently constructed, we are supposed to have the fiscal impacts before you vote.

CHAIRMAN D'AMARO:

Before the full Legislature.

MS. VIZZINI:

Correct.

CHAIRMAN D'AMARO:

Correct.

MS. VIZZINI:

As much practicable, if it's a CN in which Budget Review is involved in, we will endeavor to provide that.

CHAIRMAN D'AMARO:

Legislator Romaine.

LEG. ROMAINE:

That's a good point. I would hope that Budget Review would do the financial impact statement since they're our budget office. The County Executive has his Budget Office. I would prefer our Budget Review Office to do the CN. For example, there's a lot rumors running around that the County Executive will be presenting a CN on capping the sales tax on gas. Now, our plans, the Minority Caucus Plans, were laid bear yesterday in terms of offsets, my bill has been out there. What I'm hoping is as a Legislator, I won't get this CN on Tuesday when everyone's been talking about it for the last week and asked to make a decision in a few minutes. I would hope that the Executive would give Budget Review an opportunity to review the CN that he plans to bring over on the sales tax on gas.

I would hope that since this sales tax CN that the County Executive has talked about, even in Newsday today, that he would try to get an advanced copy to Legislators by Monday. Fax it to our offices, give us a little opportunity to read it, don't spring on us at the last second, particularly because, and, again, these are just rumors, there's talk about the County Executive actually doing a Poison Pill Bill, where the offsets would be so onerous as to almost compel Legislators to consider and weigh the offsets versus the benefit of capping the sales tax on gas.

CHAIRMAN D'AMARO:

All right. We'll debate that before the meeting, I guess. Thank you, legislator Romaine. Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. On this legislation, let me say that I applaud the hard work of Chairman D'Amaro on this bill. This is important legislations. This is the kind of system that is exactly the kind of system that we as elected officials and part of a responsible government should adhere to. The public and the taxpayers deserve no less. I fully support the legislation.

CHAIRMAN D'AMARO:

Thank you, Legislator Stern. Legislator Mystal.

LEG. MYSTAL:

I just want to vote.

CHAIRMAN D'AMARO:

All right. There's a motion pending to approve the legislation. I'll call the vote. All in favor? Opposed? Abstentions? **Approved (VOTE:6•0•0•0).**

1491, (Adopting Local Law No. 2006, A Local Law implementing redemption of real property acquired by Suffolk County pursuant to the Suffolk County Tax Act).

And this needs to be tabled for a public hearing. I'll offer a motion to table, seconded by Vice•Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:6•0•0•0).**

M.002 (Memorializing resolution in support of a secure, transparent and economical voting system for New York State).

LEG. MYSTAL:

Once again, I'm going to ask for a tabling of this resolution. I know there are a lot of people in favor of one system, but we still have to have a public hearing where we will invite the Board of Elections and all of its attendants and appendages to come to us and do a full demonstration of the machines whenever they make a decision.

I think what people are fearing is that the Board of Elections will sit somewhere in a little corner in Yaphank and make a decision that they will have no say so in. I will guarantee you that will not happen. We will have a full hearing in terms of what machine we are going to buy and how much it will cost and have a full demonstration of both machines whether it is an optical machine or electronic voting. It will be fully vetted in the public eye before we have any vote.

The reason why I want this particular resolution tabled is because we are a Legislature, and if vote for it, it is also as though we are saying to the Board of Elections buy this machine. I know that's what a lot of people would want out there, for us to buy this machine. I'm not ready to make that decision. I would like to hear more about both machines. I know there is a lot of concern from different state •• I've seen a demonstration on both machines.

And trust me when I say this, I am considered kind of a computers expert, I know computers very, very well. And there are a lot of things being said that you can rig the software in a voting machine •• • the screen machine. What you don't know or what people are not saying, maybe you do know, but you're not saying it, it is just as easy to rig the other machine, the optical machine, because they both work with software. Just as easy. If you can one, you can do the other. I don't want to get into a debate on it, but anyway, I'm asking for a tabling motion just so •• not because, you know, I don't want •• I just want that bill to go to Albany saying we are going to buy optical machines before we vet the whole thing out, so motion to table.

CHAIRMAN D'AMARO:

All right. Is there a second on the motion to table?

LEG. MONTANO:

I'll second it.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

CHAIRMAN D'AMARO:

Legislator Romaine abstains. **TABLED. (VOTE:5•0•1•0 • Abstention, Legis. Romaine)**

LEG. MYSTAL:

Mr. Chair?

CHAIRMAN D'AMARO:

Yes.

LEG. MYSTAL:

I have a group of Girl Scouts waiting for me outside that door. I'm going to miss some votes, but if you just go pro forma and vote mostly •• I'll be right back.

CHAIRMAN D'AMARO:

Okay. Thank you. You want to take a five minute recess, Elie?

LEG. MYSTAL:

I don't want to hold up the committee.

CHAIRMAN D'AMARO:

Why don't we just adjourn •• we'll take a short recess for five minutes.

(* A RECESS WAS HELD FROM 11:37 A.M. UNTIL 12:00 P.M. *)

CHAIRMAN D'AMARO:

Okay. Thank you for indulging the committee in our five minute recess, which was really 15 minutes. In any event, I'd like to now go back to the agenda and reconvene the committee on Ways and Means. Introductory Resolutions are the next item.

1502, (Authorizing certain technical correction to Adopted Resolution No. 129•2006).

LEG. MONTANO:

Motion to approve.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Montano, seconded by Legislator Mystal and to place on the Consent Calender. All in favor? Opposed? Motion carried. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1505 (Authorizing certain technical correction to Adopted Resolution No. 1328•2005).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1512, (Authorizing the reconveyance of County•owned real estate pursuant to Section 215, New York State County Law to Kathleen LaRocca (SCTM No. 0200•979.10•06.00•047.000)).

LEG. MYSTAL:

Motion to approve.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal, seconded by Legislator Montano. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE:6•0•0•0).**

1514, (Authorizing certain technical corrections to Adopted Resolution No. 169•2006).

I'll motion to approve and place on the Consent Calender.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?
Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6
•0•0•0)**.

**1521, (Directing the Suffolk County Attorney to intervene in the
Public Service Commission proceedings relating to National Grid's
acquisition of KeySpan).**

LEG. KENNEDY:

Mr. Chair, I'll make a motion to approve as sponsor. And I'd like to discuss it
just briefly.

CHAIRMAN D'AMARO:

Sure. Motion by Legislator Kennedy to approve. I'll second the motion.
Legislator Kennedy, go ahead, please.

LEG. KENNEDY:

Thank you, Mr. Chair. This comes out of the hearings that we had earlier in
the year. As everybody around this horseshoe is familiar with, National Grid
••

LEG. MYSTAL:

If you don't talk, we're going to approve it.

LEG. KENNEDY:

We're going to approve it.

LEG. MYSTAL:

If you don't talk, we'll approve it.

LEG. KENNEDY:

Okay. I'll shut up.

CHAIRMAN D'AMARO:

Legislator Montano.

LEG. MONTANO:

This is not going to cost us anything?

LEG. KENNEDY:

No. As a matter of fact this was ••

LEG. MONTANO:

We're not going outside.

LEG. KENNEDY:

Well, this bill would give the County Attorney authority should she decide, I guess, that she needs additional expertise. But, no, the reference is in the first instance for the County Attorney, I've discussed it with her already, the mechanism associated with establishing (Intervena) status. We've made contact PSC, and as a matter of fact, PSC has also indicated that they may, in fact, do regional hearings on it and will have work done here.

LEG. MONTANO:

If we're going to go to outside Counsel will that come back before the Legislature?

LEG. ROMAINE:

Yes. To approve the contract.

LEG. MONTANO:

Okay.

CHAIRMAN D'AMARO:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?
Motion carries. **APPROVED (VOTE:6•0•0•0).**

LEG. ROMAINE:

Could the Clerk list me as a cosponsor on that resolution? Thank you.

1547 (Authorizing certain technical correction to Adopted Resolution No. 244•2006, which authorized certain technical correction to Adopted Resolution No. 129•2006).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve by Legislator Mystal and place on the Consent Calender, seconded by Legislator Montano. All in favor? Opposed? Abstentions?
Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1548 has been withdrawn bu the sponsor.

**1549 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Yury Santana and Norma Santana, his wife (SCTM No. 0500
•117.00•03.00•003.001).**

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve, I'll second. On the motion.

LEG. KENNEDY:

Can we get anything out of the Division of Real Estate on this? I promise I don't want to make this a long one, but I still have the same concerns.

LEG. MYSTAL:

As•of•right.

LEG. KENNEDY:

Oh, I'm sorry. As•of•right, forget it.

LEG. MONTANO:

It's not as•of•right.

CHAIRMAN D'AMARO:

Motion has been made and seconded.

LEG. KENNEDY:

Wait a minute. Hold on. I'm sorry. This is not an as•of•right, this is a sale to adjoining owner?

MR. ZWIRN:

Mariane Zucker had to leave, but she reached out to the Town the Islip, and they said no way, no how that this could be •• even though this was a good sized lot, no way we would get approval, they weren't interested.

LEG. MONTANO:

Legislator Kennedy. If I may, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Legislator Montano.

LEG. MONTANO:

Legislator Kennedy, just for information, I tabled the moratorium bill on the sales, but I have a bill that's going to be laid on the table that will alter these 13s. And maybe we can discuss that prospectively rather than tie up everything that's here now. So, you know, if you want to discuss after, we can do it. But these will probably go through quickly other than maybe the size of the parcel. Just be aware that we have an amendment as to how 13s will be handled.

LEG. KENNEDY:

I'd be very interested in discussing with you, you know. As you know, I certainly don't want to hold these up. I appreciate just hearing that if Islip Town has indicated that they have no interest on a 10,000 square foot lot, again, I will remain mystified and stupefied, but I'm not going to hold it up.

CHAIRMAN D'AMARO:

It only has 50 feet of street frontage though.

LEG. KENNEDY:

You know, 50 feet of street frontage, but ••

LEG. MYSTAL:

How big is the parcel.

LEG. MONTANO:

It only has 50 by 200.

LEG. MYSTAL:

Right.

LEG. MONTANO:

Which I've said before, for the record, my parcel is 60 by •• 50 by 162.

CHAIRMAN D'AMARO:

I think a little more to the point is if you look at the tax map, the surrounding neighborhood, again, is 100 by 200. And, again, usually just from my town experience, this is not something that the local community would favor and would not probably deem this an appropriate parcel for development. I can understand why the town would take that position.

LEG. MONTANO:

But it hasn't gone through that process.

MR. ZWIRN:

No. But Mariane reached out to the town, the ZBA, and they said, it would never happen.

LEG. MONTANO:

We don't want to get bogged down on every one. I hear what you're saying, and you understand where we're coming from.

MR. ZWIRN:

But because of the concern of the committee, we have Marian Zucker reaching out, you know ••

LEG. MONTANO:

Right. I understand.

MR. ZWIRN:

•• in a very deliberate and, you know widespread manner, trying to make sure that every lot that comes here has been screened.

CHAIRMAN D'AMARO:

All right. There's a motion pending to approve the resolution. I'll call the vote. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

**1550 (Sale of County•owned real estate pursuant to Local Law 13
•1976 Cynthia Hill (SCTM No. 0200•976.90•01.00•034.000)).**

This is another adjoining owner proposal.

MR. ZWIRN:

It's a 2000 square foot lot.

CHAIRMAN D'AMARO:

Twenty by 100.

LEG. MYSTAL:

We can't build on that?

CHAIRMAN D'AMARO:

You can, but nobody would want to live there.

LEG. MYSTAL:

We can put a trailer on it.

CHAIRMAN D'AMARO:

I'm offer a motion to approve and place on the Consent Calender, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0)**.

**1551, (Sale of County•owned real estate pursuant to Local Law 13
•1976 Ricardo Hanley and Claudette Hanley and Gwendolyn Hanley
all as tenants with rights of survivorship (SCTM No. 0200•230.00
•06.00•011.004).**

MR. ZWIRN:

This is 25 by 100.

CHAIRMAN D'AMARO:

Okay. I'll offer a motion once again to approve and place on the Consent Calender, is there a second?

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. All in favor? Opposed? Abstentions?
APPROVED and placed on the **Consent Calender (VOTE:6•0•0•0)**.

1552, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act 1170 Station Road Corp. (SCTM No. 0200•843.00•02.00•005.001)).

LEG. MYSTAL:

This is as•of•right.

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve and place on the Consent Calender, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0•0)**.

1553, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Christina Thomas, executrix of the estate of Evangelos J. Thomas a/k/a Evangelos John Thomas and Maureen Metakes, administratrix of the estate of Gustave Metakes a/k/a Gus Metakes (SCTM No. 0200•973.40•02.00•040.000)).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion to approve. I'll second and to place on the Consent Calender. All in favor? Opposed? Abstentions? Carried. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1554, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Rudolf P. Flesch and Veronica Flesch (SCTM No. 0200•548.00•01.00•003.000)).

MS. ZIELENSKI:

As•of•right.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal, seconded by Legislator Montano to approve and place on the Consent Calender. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0•0)**.

1555, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Luke Brennan and Jacqueline Brennan (SCTM No. 0200•473.00•06.00•058.000)).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0•0)**.

1556 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert L. Langhorne and Barbara T. Langhorne (SCTM No. 0900•144.00•01.00•056.000))

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0•0)**.

1557, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Anthony Daniels (SCTM No. 0900•139.00•02.00•003.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1558, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Anna Giordano, a/k/a Anna M. Giordano a/k/a Ann M. Giordano, by Joseph Schullik, as administrator (SCTM No. 0500•075.00•01.00•021.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1559, (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Virginia DeHart, surviving spouse of a tenancy by the entirety (SCTM No. 0206•018.00•03.00•014.000).

Same motion, same second, same vote. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1600, (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Islip) (SCTM NO. 0500-120.00-03.00-062.000)).

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve, seconded by Legislator Mystal. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:6-0-0-0).

1602, (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law (Town of Islip) (SCTM No. 0500-199.00-01.00-013.001)).

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve, seconded by Vice-Chair Mystal. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:6-0-0-0).

1622 (Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Huntington, Suffolk County Tax Map No. 0400•145.00•01.00 •085.001 pursuant to Section 40•D of the Suffolk County Tax Act).

LEG. MYSTAL:

Motion to approve.

MS. ZIELENSKI:

This is an erroneous assessment by the Town of Huntington.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve and to place on the Consent Calender, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1627 (Authorizing certain technical correction to Adopted Resolution No. 287•2006).

CHAIRMAN D'AMARO:

Motion to approve and place on the Consent Calender, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

1629, (Granting permission to volunteers of Shanti Fund to use Suffolk County Seal for Mohandas Karamchand Gandhi Commemorative Coin).

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN D'AMARO:

Yes. Legislator Kennedy.

LEG. KENNEDY:

I guess I would reach out to County Executive's Office and just ask for a little bit of explanation on this.

MR. ZWIRN:

We would ask that this be tabled.

LEG. KENNEDY:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carried. Resolution is **tabled (VOTE:6•0•0•0)**.

1641, (Authorizing the extension of a lease for premises located at 116 Hampton Road, Southampton, New York, for use by the District Attorney's Office • East End Bureau).

I'll offer a motion to approve, seconded by Legislator Stern. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries.

APPROVED (VOTE:6•0•0•0).

1643, (Authorizing a technical correction to the 2006 Adopted Operating Budget).

I'll offer a motion to approve and to place on the Consent Calender, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0)**.

1649, (Authorizing certain technical correction to adopted resolution No. 1037•2005).

LEG. MONTANO:

Motion to approve and place on the Consent Calender.

CHAIRMAN D'AMARO:

Motion as stated, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0)**

1653, (Adopting no frills budget plan to stabilize property taxes in 2007 by securing Suffolk County's equitable share of Homeland Security funds for MacArthur Airport).

LEG. MONTANO:

Motion to table.

CHAIRMAN D'AMARO:

Motion to table by Legislator Montano, seconded by Legislator Mystal. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:6•0•0•0).**

1656 (Authorizing the sale of County•owned real estate pursuant to Local Law 13•1976 Prime Property I, LLC (SCTM No. 0200•852.00 •04.00•085.000)).

MR. ZWIRN:

This is 22 by 101.

LEG. MYSTAL:

Double•wide.

CHAIRMAN D'AMARO:

I'll make a motion to approve and place on the Consent Calender. All in favor? Opposed? Abstentions? Motion carried. **APPROVED** and placed on the **Consent Calender (VOTE:6•0•0•0).**

HR.05, (Home Rule Message requesting the New York State Legislature to create a new uniform fee of one hundred seventy five dollars for recording mortgage and mortgage related documents in the Office of the County Clerk).

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to table on this for the same reasons I stated at the General Meeting when we discussed 1405, and even further, in the review of the language of the resolution, in my opinion and from my experience, it's just wrong. It makes flat out misrepresentations.

LEG. ROMAINE:

Second.

MR. ZWIRN:

It doesn't have the bill numbers in it so it has to be tabled.

CHAIRMAN D'AMARO:

Was there a motion to table?

LEG. MYSTAL:

Yes. Kennedy and Romaine.

CHAIRMAN D'AMARO:

Okay. Motion by Legislator Kennedy to table, seconded by Legislator Romaine. All in favor? Opposed? Abstentions? Motion carries. **Tabled (VOTE:6•0•0•0).**

CHAIRMAN D'AMARO:

That concludes the public portion of this committee meeting. We do have one item to discuss in Executive Session. I'll offer a motion to go into Executive Session, seconded by Legislator Stern. All in favor? Opposed? Abstentions? Okay. We will now go into Executive Session. Thank you, Ladies and Gentlemen.

(* AN EXECUTIVE SESSION WAS HELD FROM 12:15 UNTIL 12:30 P.M.*)

CHAIRMAN D'AMARO:

Okay. The Ways and Means Committee is finished with Executive Session. There being no other business before the committee, the committee is adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 12:31 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY